



UNITED STATES PATENT AND TRADEMARK OFFICE

K.L.
UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER OF PATENTS AND TRADEMARKS
Washington, D.C. 20231
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/770,383	01/29/2001	Tadao Yamaguchi	401042	7114

23548 7590 03/27/2002
LEYDIG VOIT & MAYER, LTD
700 THIRTEENTH ST. NW
SUITE 300
WASHINGTON, DC 20005-3960

EXAMINER

MULLINS, BURTON S

ART UNIT	PAPER NUMBER
----------	--------------

2834

DATE MAILED: 03/27/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/770,383

Applicant(s)

YAMAGUCHI, TADAO

Examiner

Burton S. Mullins

Art Unit

2834

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 1 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 29 January 2001.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-21 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☐ Claim(s) _____ is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☒ Claim(s) 1-21 are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____

- 4) ☐ Interview Summary (PTO-413) Paper No(s) _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

BURTON S. MULLINS
PRIMARY EXAMINER

DETAILED ACTION

Election/Restrictions

1. Restriction to one of the following inventions is required under 35 U.S.C. 121:
 - I. Claims 1-13 and 17-19, drawn to a non-circular flat motor housing with feeder terminals and brushes, classified in class 310, subclass 89.
 - II. Claims 14-16, drawn to a non-circular flat brushless motor with a metal plate and shaft support structure and pinion, classified in class 310, subclass 91.
 - III. Claims 20-21, drawn to a method of manufacture of a non-circular flat motor with brushes, classified in class 29, subclass 596.

The inventions are distinct, each from the other because of the following reasons:

2. Inventions I and II are related as subcombinations disclosed as usable together in a single combination. The subcombinations are distinct from each other if they are shown to be separately usable. In the instant case, invention I has separate utility such as providing a housing with feeder terminals. Further, invention I includes brushes. See MPEP § 806.05(d).
3. Inventions I and III are related as process of making and product made. The inventions are distinct if either or both of the following can be shown: (1) that the process as claimed can be used to make other and materially different product or (2) that the product as claimed can be made by another and materially different process (MPEP § 806.05(f)). In the instant case, the product's feeder terminals can be made by another process.
4. Inventions II and III are related as process of making and product made. The inventions are distinct if either or both of the following can be shown: (1) that the process as claimed can be used to make other and materially different product or (2) that the product as

Art Unit: 2834

claimed can be made by another and materially different process (MPEP § 806.05(f)). In the instant case, the process includes a brush-fixing step used to make a product materially different from that of the brushless motor of invention II.

5. Because these inventions are distinct for the reasons given above and have acquired a separate status in the art as shown by their different classification, restriction for examination purposes as indicated is proper.

6. Because these inventions are distinct for the reasons given above and the search required for Group I is not required for Group II, restriction for examination purposes as indicated is proper.

7. Because these inventions are distinct for the reasons given above and the search required for Group I is not required for Group III, restriction for examination purposes as indicated is proper.

8. Because these inventions are distinct for the reasons given above and the search required for Group II is not required for Group III, restriction for examination purposes as indicated is proper.

9. Because these inventions are distinct for the reasons given above and have acquired a separate status in the art because of their recognized divergent subject matter, restriction for examination purposes as indicated is proper.

10. Applicant is advised that the reply to this requirement to be complete must include an election of the invention to be examined even though the requirement be traversed (37 CFR 1.143).

Application/Control Number: 09/770,383
Art Unit: 2834

Page 4

11. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Burton S. Mullins whose telephone number is 305-7063. The examiner can normally be reached on Monday-Friday, 9 am to 5 pm. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Nestor Ramirez can be reached on 308-1371. The fax phone numbers for the organization where this application or proceeding is assigned are 305-1341 for regular communications and 305-1341 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 308-0956.



Burton S. Mullins
Primary Examiner
Art Unit 2834

bsm
March 26, 2002



Dear United States Patent and Trademark Office Customer:

Quality and customer satisfaction are important to Technology Center 2800.

Technology Center 2800 has taken continuous quality improvement efforts to ensure that the accompanying correspondence meets high quality standards, and focuses on good customer service. It is important to us that you are satisfied with the services we provide.

If the communication you have received has any issues that raise concerns as to the quality and/or clarity of the action taken by the examiner, we invite you to contact the appropriate Supervisory Primary Examiner. You may also contact one of our Quality Assurance Specialists.

Quality Assurance Specialists:

Don Hajec.....703-308-4075

Paul Dzierzynski.....703-308-4822

If the contents of the attached correspondence have any clerical omissions, e.g., missing references or pages, illegible text, or any other similar errors, please contact us at the number below. We will take appropriate action to expedite the necessary corrections. Also, if you have general questions concerning any application assigned to Technology Center 2800, please contact our Customer Service Center. Questions concerning the merits of the application must be directed to the Examiner in charge of the particular application, then to the supervisor if appropriate.

TC 2800 Customer Service Center Crystal Plaza 4-6th floor, D-corridor

Customer Service Representatives:

Linda M. Hodge-Taylor CP4-6-D32

Wynette Stapor CP4-6-D30

The Customer Service Center is open to receive requests for service in person, by phone **703-306-3329**, or Fax **703-306-5515**, from 8:30 am- 5:00 p.m. each business day.

Attention: Policy on Returning Telephone Calls

USPTO-wide customer service standards state that if a USPTO employee being called is not available, they will return your call by the next business day, or, if you request, an alternate point of contact will be provided. Technology Center 2800 is committed to meeting this service standard. If you have called any employee in our Technology Center and have not received a return phone call within one (1) business day or have not been provided another point of contact, please contact our Customer Service Center at 703-306-3329. We ensure that you will receive a return phone call, from an employee with the ability to assist you, within four (4) business hours of this contact.

Any matter not satisfactorily resolved by the listed resources should be brought to the attention of the appropriate Director listed below. We appreciate your assistance in helping us help you

Directors, Technology Center 2800

Semi-conductors, Electrical, Optical Systems & Components

Sharon Gibson	703/308-0658	2810
Rolf G. Hille	703/306-0658	2820
Richard Seidel	703/306-3431	2830/40
Howard N. Goldberg	703/306-3431	2850/60
Janice A. Falcone	709/308-0530	2870/80